



FITCHBURG CITY CLERK

16 JUN 30 12 35

**CITY OF FITCHBURG MASSACHUSETTS  
CITY COUNCIL CALENDAR**

**July 5, 2016 7:00PM**

**Memorial Middle School Library  
615 Rollstone Street  
Fitchburg MA 01420**

**WELCOME TO THE FITCHBURG CITY COUNCIL!**

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

**Executive Session**

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

**OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:**

**Public Forum**

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

**Public Hearings**

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

## I. PUBLIC FORUM

## II. COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. Letter of appointment - Election Workers
2. Letter of appointment - Richard Liberatore to the Airport Commission.

## III. REPORTS OF COMMITTEES

### Appointments Committee - Oral Report Meeting of July 5, 2016

#### New Appointments:

#### Energy Commission Board

Andrew Cordio, 825 John Fitch Highway Unit 12  
(For a term to expire April 1, 2019)

#### Permanent Reserve Police Officers

Gregory A. Pinkerton

Nathan D. Lamkin

Barry G. Hyvarinen Jr.

Liana K. Alicea

Martin Ortiz Jr.

#### Finance Committee

#### Meeting of June 28, 2016

- 181-16. ORDER: Transfer of \$12,000 from Water Personal Services to Water Personal Services Overtime.  
(BE ADOPTED)
- 182-16. ORDER: Transfer of \$5,000 from Airport Expenses to accounts as follows: \$4,400 to Airport Personal Services Overtime and \$600 to Airport Personal Services.  
(NOT BE ADOPTED)
- 189-16. ORDER: Transfer of \$6,600 from Airport Expenses to accounts as follows: \$6,000 to Airport Personal Services Overtime and \$600 to Airport Personal Services.  
(BE ADOPTED)
- 183-16. ORDER: Transfer of \$21,000 to Cemetery Master Plan Phase II from DPW Capital - Oak Hill Road Bridge.  
(BE ADOPTED)
- 184-16. ORDER: Transfer of \$40,000 to DPW Administration/Engineering Expenses - Document Scanning from accounts as follows:  
DPW Traffic Signals Expense - \$8,000

DPW Highway General Expenses - \$7,457  
DPW Municipal Garage Expenses - \$17,000  
DPW Capital - Oak Hill Road Bridge -\$7,453  
(BE ADOPTED)

190 - 16 ORDER: That Consistent with MGL Chapter 43, Section 30, there be and hereby is appropriated the sum of \$30,000, same to be charged against Available Funds and credited to DPW - Highway General Expenses (Right of Way Takings) for the purpose of taking temporary and permanent easements for the South Street Elementary School Right of Way Improvement Project.  
(BE ADOPTED)

191-16 ORDER: Appropriate \$100,000 to Stabilization Fund and charging against Available Funds.  
(BE ADOPTED)

**Public Safety Committee - Oral Report**  
**Meeting of July 5, 2016**

84-2016. Sam Gandor, for Class II Car Dealer License at 339 River Street.

85-2016. Councillor Dean Tran, to provide the proper caution signage at the corner and intersection of Rollstone Rd. and Brittany Lane.

188-2016. Youssef Hayek dba Auto Service, LLC, 91 Laurel Street, to expand its dealership by adding an additional 70 spaces for cars.

79-2016. Councillor Marcus DiNatale and James Alexander to place either stop signs or yield signs at the following two intersections: Brierwood Drive/Parker Hill Drive and Parker Hill Drive/Colony Road.

**Public Works Committee**  
**Meeting of June 28, 2016**

207-2015. Kenneth J. Matson, President Matson Homes, Inc. to accept Downey Circle, located within the Parker Hill subdivision as a public way.  
(BE HELD IN COMMITTEE)

185-2016. Councillor Michael Kushmerek to install a crosswalk on Pleasant Street near its intersection with High Street.  
(BE GRANTED)

186-2016. Councillor Jody Joseph and Mr. David Duval to properly reconstruct Falulah Street to Benson Street.  
(BE HELD IN COMMITTEE)

- 181-2015. Councillor Michael Kushmerek to increase the height of a city-owned fence on Blossom Street between the intersections of Elm and Mechanic Streets.  
(BE HELD IN COMMITTEE)
- 187-2016. Councillor Amy Green to install a berm at 20 Linden Street.  
(BE GRANTED)
- 192-2016. Councillor Amy Green to request the fence sections that are missing on Walnut Street be replaced.  
(BE GRANTED)

**Planning Board Report on petitions 106-2016 and 107-2016**

Re: 106-2016. RECOMMEND IN FAVOR 5/0 however recommends a zoning overlay district with commercial recreation use allowable by Planning Board Special Permit.

Re: 107-2016. RECOMMEND AGAINST 5/0.

**IV. HEARINGS**

- 106-2016. Steve Marsden, President-S.M. Development, Inc. to amend the Fitchburg Zoning Ordinance by adopting a by-law which would insert a new section 181.8431 Approved Plan Development Districts (Westminster Hill Road Commercial Recreational District.)
- 107-2016. Steve Marsden, President-S.M. Development, Inc. to amend the Fitchburg Zoning Ordinance by amending 181.313 Table of Use Regulation by striking the letter "N" in line "C.19" and inserting in its place "PB" and to amend 181.321 by adding 181.3217 (Westminster Hill Road Commercial Recreational Planned Development District)

**V. ORDERS**

- 193-2016. Approving the expenditure of funds from the MA Dept. of Public Health for the FY17 First Responder Narcan Grant in the approximate amount of \$3,825.
- 194-2016. Appropriate \$58,480 to Library Capital-Building Renovation and charge against Available Funds (FY2016)

**VI. PETITIONS**

- 195-2016. City Solicitor Vincent Pusateri, II to:
1. Approve the fees schedule in the attached retainer agreement;
  2. Amend the Code of the City of Fitchburg by inserting Section 3-59 - The City Solicitor and Assistant City

Solicitor shall be permitted to require third parties to pay the City of Fitchburg's legal fees for services actually performed at the rate of \$250.00 per hour for attorneys and \$125.00 per hour for paralegals. When doing so a retainer or fee agreement shall be forwarded to said third party along with a retainer request.  
(Finance Committee)

196-2016. Knute Alfredson, M.D. to reconsider the one-lane Main Street vote of Tuesday May 17, 2016.  
(Council as a Whole Committee)

197-2016. Mr. Kenneth Posco, to reconsider the vote on May 17, 2016 regarding one-lane Main Street.  
(Council as a Whole Committee)

198-2016. Councillor Amy Green to install a berm for resident Sandra Szarek residing at 558 Milk St. to stop water damage to the property.  
(Public Works Committee)

199-2016. Councillor Michael Kushmerek and resident Steven Cristofono to repair and construct disability accessible curbing at the crosswalk located in front of 15 Rollstone St.  
(Public Works Committee)